

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JOHN DEREK WILLIAMS,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**BLUE CROSS BLUE SHIELD OF** ) **CIVIL ACTION NO.**  
**ALABAMA and NEW HORIZONS** ) **CV 2:06CV716**  
**CHURCH,** )  
 )  
**Defendants.** )

**REPORT OF PARTIES' PLANNING CONFERENCE**

1. Pursuant to Fed. R. Civ. P. 26(f), a conference was held on November 1, 2006 between:

- A. J. Bernard Brannan, Jr.  
The Brannan Law Firm, P.C.  
602 South Hull Street  
Montgomery, Alabama 36104  
Attorney for the Plaintiff, John Derek Williams
- B. Cavender C. Kimble  
Balch & Bingham LLP  
P.O. Box 306  
Birmingham, Alabama 35201  
One of the Attorneys for Defendant,  
Blue Cross and Blue Shield of Alabama
- Micheal S. Jackson  
Beers, Anderson, Jackson, Patty, Van Heest & Fawal, P.C.  
P.O. Box 1988  
Montgomery, Alabama 36102  
One of the Attorneys for Defendant,  
New Horizon Church

The parties agree that plaintiff has not fully exhausted administrative remedies that are a prerequisite to judicial review. Blue Cross is ready to provide the administrative appeal. Since this case turns on circumstances surrounding the termination of plaintiff's coverage, the parties propose to make disclosure of documents related to that issue, which will be used in the

administrative appeal along with any other information and argument that plaintiff submits. The parties propose that, assuming the court is willing, the case be stayed to permit the administrative appeal and that at the conclusion of the appeal, the parties report to the court whether plaintiff believes judicial review will be necessary.

2. **Pre-Discovery Disclosures.** The parties will exchange by November 16, 2006 the additional information discussed above. Plaintiff will then submit his appeal to Blue Cross no later than December 15, 2006.

3. **Discovery Plan.** The parties jointly propose to the court that all plans regarding discovery be pended until the administrative appeal is completed.

4. **Other Items.** The parties jointly propose to the court that all other items be pended until the administrative appeal is completed.

Dated: November 3 , 2006

s/J. Bernard Brannan, Jr.

One of the Attorneys for Plaintiff  
John Derek Williams

**OF COUNSEL:**

J. Bernard Brannan, Jr.  
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602 South Hull Street  
Montgomery, Alabama 36104

s/Cavender C. Kimble

One of the Attorneys for Defendant,  
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**OF COUNSEL:**

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s/Micheal S. Jackson

One of the Attorneys for Defendant,  
New Horizon Church

**OF COUNSEL:**

Micheal S. Jackson  
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P.O. Box 1988  
Montgomery, Alabama 36102

**CERTIFICATION OF CONSENT TO E-FILE**

The undersigned certifies that he has been given express permission to submit the electronic signatures of all other counsel above and to e-file same.

s/Cavender C. Kimble

Of Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following by electronic service on this the **3rd** day of **November, 2006**:

Joe C. Cassady, Sr.  
Cassady & Cassady, LLP  
P.O. Box 311730  
Enterprise, AL 36331

Mr. John Steensland  
Mr. R. Martin Adams  
739 West Main St.  
Dothan, AL 36301

s/Cavender C. Kimble  
Of Counsel